

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV 11427

JENNIFER HYMAN and WILLIAM BRICKWEDDE,

Plaintiffs,

-against-

FELLOWSHIP OF RECONCILIATION,

Defendant.

ECF CASE **JUDGE CONNER**

COMPLAINT
PLAINTIFF DEMANDS
A JURY TRIAL

FILED
U.S. DISTRICT COURT
2007 DEC 20 PM 12:27
S.D. OF N.Y.

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Plaintiffs, **JENNIFER HYMAN** and **WILLIAM BRICKWEDDE**, by their attorneys
ROBERT DAVID GOODSTEIN, ESQ., complaining of defendant, allege as follows:

1. This is an action for injunctive relief, compensatory and punitive damages on behalf of plaintiffs. This suit is authorized pursuant to the Age Discrimination in Employment Act (29 U.S.C. §621 et. seq.), and the New York Human Rights Law (N.Y.S. Executive Law §296). Jurisdiction of this Court is invoked pursuant to 29 U.S.C. §255 and under the principle of pendent jurisdiction. Jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 29 U.S.C. §621 et. seq., and the New York State Executive Law §290 et. seq. (Human Rights Law), providing for equitable and legal relief against age discrimination in employment.

2. Plaintiffs, JENNIFER HYMAN and WILLIAM BRICKWEDDE, citizens of the United States, both reside in the County of Rockland, New York. Plaintiff, JENNIFER HYMAN, is sixty (60) years of age and was born on September 13, 1947. Plaintiff, WILLIAM BRICKWEDDE, is fifty-eight (58) years of age and was born on October 2, 1949.

3. Defendant, FELLOWSHIP OF RECONCILIATION (hereinafter "FELLOWSHIP"), on information and belief, is a corporation doing business in New York State with offices located at 521 North Broadway, Nyack, New York 10960. Defendant is an employer subject to the Age Discrimination in Employment Act (29 U.S.C. §621 et. seq.). Upon information and belief, defendant has employed twenty (20) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year. Defendant is also an employer as defined by Human Rights Law (N.Y.S. Executive Law §290 et. seq.).

4. Plaintiffs filed charges with the Equal Employment Opportunity Commission and received Notices of Right to Sue. This Complaint is filed within ninety (90) days of said receipts of the Notices of Right to Sue. (copies of the charges are annexed hereto as **Exhibit 1**; copies of the Notices of Right to Sue are annexed as **Exhibit 2**.)

5. During the period from March 1, 2006 through October 31, 2006, Defendant Fellowship of Reconciliation (FOR) discriminated by terminating older employees, by forcing older employees to resign, by creating impossible work conditions, and by reducing the hours of full-time older employees to part-time status.

6. (a) Marie Deremeik and Theresa Florentino, females who were 75 and 65 were both terminated on or about March 1, 2006.
- (b) Wanda Resto Torres, female, age 49 was terminated on or about March 1, 2006.
- (c) Randall Davis, a male in his early 50's was forced to resign in May, 2006.
- (d) Yvonne Royster, female, 61 years old was terminated in June, 2006.
- (e) Jennifer Hyman, female, 58 was terminated in June, 2006.

- (f) William Brickwedde, male, 57 years old was reduced from full-time employment to part-time employment in June, 2006 and then terminated in October, 2006.
- (g) Barbara George, female, 65 years old was terminated in June, 2006.
- (h) Ibrahim Ramey, male, 57 or 58 years old was terminated in June, 2006.
- (i) Janet Chisholm, female, 64 years old was informed in July, 2006 that she must raise \$64,500 for her program to continue for the next year. When it became clear to Ms. Chisholm that she would not be able to raise that unreasonable amount, she resigned in August, 2006.

7. Many of the above enumerated individuals were replaced by younger employees, and the jobs of others are being advertised.

8. The defendant's acting Executive Director, Rachel Pfeffer, made ageist comments during meetings with staff about replacing older staff with younger employees.

9. The issue of race, gender and age admittedly were discussed extensively prior to the layoffs.

AS AND FOR A FIRST CAUSE OF ACTION

10. By terminating plaintiffs from their positions because of their ages, defendant has violated the ADEA (29 U.S.C. §621 et. seq.) and committed an unlawful discriminatory practice as related to employment.

**AS AND FOR PLAINTIFF'S PENDENT
STATE CAUSE OF ACTION**

11. Defendant, FELLOWSHIP, is an employer as that term is defined by the New York

State Human Rights Law.

12. Plaintiffs were discriminated against by defendant when defendant discharged them from their employment because of their ages in violation of the New York State Human Rights Law (Executive Law §290 et. seq.).

13. Plaintiffs demand a jury trial on all claims.

WHEREFORE, plaintiffs demand judgment against defendant as follows:

On each of plaintiff's ADEA Causes of Actions:

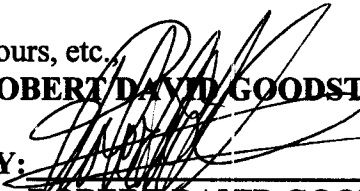
- (A) A mandatory injunction awarding plaintiff back pay, front pay and benefits from the date of their termination;
- (B) reasonable attorney's fees; and
- (C) liquidated damages equal to the amount of back pay;
- (D) together with such other costs and disbursements of this action.

On plaintiffs' Pendent State Claim:

- (A) Damages of \$250,000 per plaintiff;
- (B) together with applicable interest and such other and further relief as to the Court seems just and proper.

DATED: New Rochelle, New York
December 17, 2007

Yours, etc.
ROBERT DAVID GOODSTEIN, ESQ.

BY: 
ROBERT DAVID GOODSTEIN (RDG5443)
Attorneys for Plaintiffs
56 Harrison Street, Suite 401
New Rochelle, New York 10801
(914)632-8382

Plaintiff's Document Exhibit #1

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
☐ FEPA
☐ EEOC

CHARGE NUMBER

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Jennifer Hyman

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

292 Piermont Avenue, Apt 2-F So. Nyack, New York 10960

DATE OF BIRTH

9-13-1947

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Fellowship of Reconciliation

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

845-358-4601

STREET ADDRESS

Box 271

CITY, STATE AND ZIP CODE

Nyack, New York 10960

COUNTY

Rockland

NAME

Fellowship of Reconciliation

TELEPHONE NUMBER (Include Area Code)

845-358-4601

STREET ADDRESS

521 North Broadway

CITY, STATE AND ZIP CODE

Nyack, New York 10960

COUNTY

Rockland

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☒

AGE

☐

RETALIATION

☐

NATIONAL

☐

DISABILITY

☐

OTHER (Specify)

ORIGIN

DATE DISCRIMINATION TOOK PLACE

EARLIEST (ADEA/EPA)

LATEST (ALL)

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Annexed.

ANTHONY M. STIGLIANO
 Notary Public - State of New York
 NO. 01ST6005730
 Qualified in Rockland County
 My Commission Expires 4/20/10

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date 11-22-06

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Day, month, and year)

22nd day of November in 2006

- 1) During the period from March 1, 2006 through October 31, 2006, Respondent, Fellowship of Reconciliation (FOR) discriminated by terminating older employees, by forcing older employees to resign, by creating impossible work conditions, and by reducing the hours of full-time older employees to part-time status.
- 2) Marie Deremeik and Theresa Florentino, females who were 75 and 65 were both terminated on or about March 1, 2006.
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Ibrahim Ramey, male, 57 or 58 years old was terminated in June, 2006.
Janet Chisholm, female, 64 years old was informed in July, 2006 that she must raise \$64,500 for her program to continue for the next year. When it became clear to Ms. Chisholm that she would not be able to raise that amount, she resigned in August, 2006.
- 3) Many of the above individuals were replaced by younger employees, and the jobs of others are being advertised.
- 4) The Executive Director, Rachel Pfeffer made ageist comments during meetings with staff about replacing older staff with younger employees.
- 5) The issues of race, gender and age admittedly were discussed extensively prior to the layoffs.

AGENCY
☐ FEPA
☐ EEOC

NAME (Indicate Mr., Ms., Mrs.)
William Brickwedde

State or local Agency, if any

STREET ADDRESS
14 Cresthill Drive

CITY, STATE AND ZIP CODE
Nyack, New York 10960

HOME TELEPHONE (Include Area Code)
845-353-1784

DATE OF BIRTH
10-02-1949

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)

NAME
Fellowship of Reconciliation

NUMBER OF EMPLOYEES, MEMBERS

STREET ADDRESS
Box 271

CITY, STATE AND ZIP CODE
Nyack, New York 10960

TELEPHONE (include Area Code)
845-358-4601

COUNTY
Rockland

NAME
Fellowship of Reconciliation

STREET ADDRESS
521 North Broadway

CITY, STATE AND ZIP CODE
Nyack, New York 10960

TELEPHONE NUMBER (include Area Code)
845-358-4601

COUNTY
Rockland

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

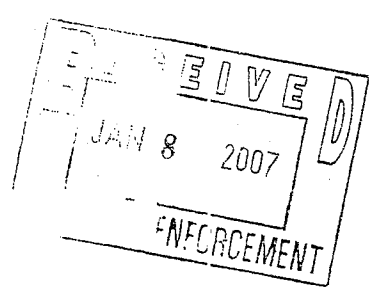
☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ AGE
☐ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (ALL)

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Annexed.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

11/28/2006 William H. Brickwedde

Date Charging Party (Signature)

NOTARY (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT
William H. Brickwedde

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 11/28/2006 (Day, month, and year)

Geetha Jayaram

GEETHA JAYARAM
No. 01JA6102614

Notary Public, State of New York
Qualified in Rockland County
My Commission ends 12/2/07

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Plaintiff's Document Exhibit #2

DISMISSAL AND NOTICE OF RIGHTS

To: Jennifer Hyman
292 Piermont Avenue, Apt. 2-F
Nyack, NY 10960

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2007-01345

Lawrence M. Angelo,
Investigator

(212) 336-3763

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

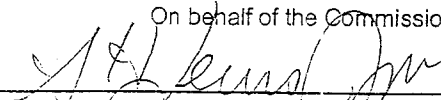
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission


Spencer H. Lewis, Jr.,
Director

9/24/2007

(Date Mailed)

Enclosures(s)

cc: Robert D. Goodstein, Esq.
Goodstein & West
56 Harrison Street, Suite 401
New Rochelle, NY 10801

LeRoy J. Watkins, Esq.
Jackson Lewis, LLP
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960-6834

DISMISSAL AND NOTICE OF RIGHTS

To: William Brickwedde
14 Cresthill Drive
Nyack, NY 10960

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2007-01346

Lawrence M. Angelo,
Investigator

(212) 336-3763

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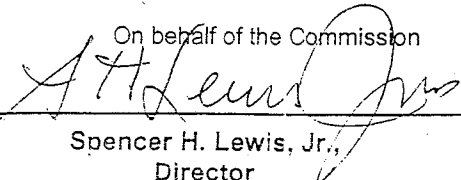
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